

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENG NING,  
Plaintiff,  
  
v.  
  
EMILIA BARDINI,  
Defendant.

Case No. 24-cv-04013-SK

**ORDER TO SHOW CAUSE**

On July 3, 2024, Plaintiff Deng Ning, who is proceeding without an attorney, filed a complaint for writ of mandamus against the Director of Asylum Office in San Francisco, Emilia Bardini. (Dkt. No. 1.) On July 5, 2024, the Clerk's Office issued a summons. (Dkt. No. 3.) On August 19, 2024, Plaintiff filed a form indicating his consent to the jurisdiction of a federal magistrate judge. (Dkt. No. 6.) Since then, there has been no activity on the docket, including a filing of proof of service.

Under the Federal Rules of Civil Procedure, there is a time limit for effectuating service of a complaint and summons. Fed. R. Civ. P. 4(m). Specifically, "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." *Id.* However, if a "plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." *Id.*

The Court issues this Order to Show Cause in order to give Plaintiff notice before issuing order of reassignment to a district judge with a recommendation of dismissal for failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, Plaintiff is **HEREBY ORDERED** to Show Cause in writing by no later than October 31, 2024, why this case should not be dismissed for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff should discuss

any attempts he has made in effectuating service and whether he requires more time.

The Court also takes this time to ADVISE Plaintiff that the District Court has produced a guide for *pro se* litigants called Representing Yourself in Federal Court: A Handbook for Pro Se Litigants, which provides instructions on how to proceed at every stage of your case, including discovery, motions, and trial. It is available electronically online (<https://perma.cc/ANQ4-N2ZT>) or in hard copy free of charge from the Clerk's Office. The Court additionally has a website with resources for *pro se* litigants (<https://perma.cc/6NL7-U9U7>). The Court further advises Defendant that she also may wish to seek assistance from the Legal Help Center. Plaintiff may call the Legal Help Center at 415-782-8982 or email [fedpro@sfbar.org](mailto:fedpro@sfbar.org) for a free appointment with an attorney who may be able to provide basic legal help, but not legal representation.

**IT IS SO ORDERED.**

Dated: October 3, 2024

  
SALLIE KIM  
United States Magistrate Judge